

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

THE UNITED STATES OF AMERICA)
FOR THE USE AND BENEFIT OF)
SHERMAN INDUSTRIES, INC.,)
)
PLAINTIFF,)
)
v.) CASE NO. 2:08-cv-674-MEF
)
THORINGTON ELECTRICAL &)
CONSTRUCTION, *et al.*,) (WO- Not Recommended for Publication)
)
DEFENDANTS.)

FINAL JUDGMENT

This cause is before the Court on the Plaintiff's Motion for Default Judgment (Doc. # 14) against two of three defendants to this action. By this motion, Plaintiff seeks of a final judgment pursuant to Federal Rule of Civil Procedure 54(b) on some, but not all, of its claims against some, but not all, defendants. Because the Court finds that there is no just reason for delay in entry of the final judgment as to the defendants in default, the Court will grant the relief requested. In accordance with the prior proceedings and orders of the Court and upon the record as a whole, it is ORDERED and ADJUDGED as follows:

- 1) Plaintiff's Motion for Default Judgment (Doc. # 14) against Thorington Electrical & Construction and Kelvin Thorington, which motion is made pursuant to Federal Rules of Civil Procedure 54(b) and 55 is GRANTED.
- 2) Judgment is ENTERED against Defendant Thorington Electrical & Construction and Defendant Kelvin Thorington and in favor of Plaintiff, The United States of America,

for the use and benefit of Sherman Industries, Inc. in the amount of \$14,381.65, consisting of a principal balance of \$9,590.26, accrued interest through January 21, 2009 of \$1,626.61, and attorney fees in the amount of \$3,164.78.

3) It is further ORDERED that costs are taxed against Thorington Electrical & Construction and Kelvin Thorington and in favor of Plaintiff, The United States of America for the use and benefit of Sherman Industries, Inc. for which execution may issue.

4) The Clerk of the Court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 54(b) of the Federal Rules of Civil Procedure as to Plaintiff's claims against Thorington Electrical & Construction and Kelvin Thorington; however, this matter shall remain as pending with regard to Plaintiff's claims against the remaining defendant, Travelers Casualty & Surety Company of America.

DONE this the 29th day of January, 2009.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE